

REMARKS

Claim Status

Claims 1-51 are canceled. Claims 52-71 are new.

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Support for new claims 52-57 and 64 can be found at least on page 18, line 19 to page 20, line 31 and page 24, line 19 to page 27, line 4. Support for new claims 58 and 70 can be found at least on page 26, line 25 to page 27, line 4. Support for new claim 59 can be found at least on page 26, lines 4-23. Support for new claim 60 can be found at least on page 26, line 24 to page 27, line 6. Support for new claims 61-62 can be found at least on page 24, line 19 to page 25, line 2. Support for new claim 63 can be found at least on page 8, lines 18-19. Support for new claims 65-69 can be found at least on page 29, line 16 to page 30, line 13 and page 24, line 19 to page 27, line 4. Support for new claim 71 can be found at least on page 29, lines 19-22. All pages and line numbers refer to the application as originally filed. No new matter is introduced.

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Regarding 35 U.S.C. § 101 and 35 U.S.C. § 112 Rejections

Claims 1-48 were rejected under 35 U.S.C. § 101 as being not supported by either a creditably asserted utility or a well established utility. Claims 1-48 were rejected under 35 U.S.C. § 112.

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In reply, claims 1-48 are cancelled. Claims 52-71 have been added to more particularly point out and distinctly claim the invention. Applicant submits that the cancellation of the rejected claims render the 101 and 112 rejections moot. New independent claims 52 and

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64-65 are directed to systems for distributed monitoring and estimation of traffic flow. The systems include a plurality of prosumers having wireless devices and an application for maintaining transportation models. Applicant submits that the new claims are directed to a statutory class (note that the claims require the prosumers to have wireless devices),
5 have utility, and are definite.

Regarding 35 U.S.C. § 102 Rejections

Claims 1-7, 12, 13, 23, and 48 were rejected under 35 U.S.C. § 102 as being anticipated by Shah et al (US 2004/0073490).

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Claims 1-7, 12, 13, 23, and 48 are cancelled. It is noted that the cited reference of Shah does not pertain to the new independent claims 52, 65, and 66, since Shah has nothing to do with systems for distributed monitoring and estimation of traffic flow by using information reported by a plurality of prosumers with wireless devices. For at least these
15 reasons, Applicant submits that claims 52-71 are patentable over the cited reference of Shah.

Regarding 35 U.S.C. § 103 Rejections

Claims 8, 9, 14, 15, 19, and 22 were rejected under 35 U.S.C. § 103 as being unpatentable
20 over Shah et al (US 2004/0073490) in view of Sundaresan (US 7,080,064). Claims 10, 11, 18, 20, 21, and 24 were rejected under 35 U.S.C. § 103 as being unpatentable over Shah et al (US 2004/0073490) in view of Sundaresan (US 7,080,064) and in further view of Kaiser et al. (The Official eBay Guide). Claims 16 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Shah et al (US 2004/0073490) in view of Sundaresan (US

7,080,064) and in further view of Urry (Four-star push behind advance at Macdonald).

Claims 25-28 were rejected under 35 U.S.C. § 103 as being unpatentable over Shah et al

(US 2004/0073490) in view of Nelson et al (US 7,047,208). Claims 29 and 30 were

rejected under 35 U.S.C. § 103 as being unpatentable over Shah et al (US 2004/0073490)

5 in view of Hesseldahl (Liv Traffic Reports by PDA). Claims 31-35 and 39-45 were

rejected under 35 U.S.C. § 103 as being unpatentable over Shah et al (US 2004/0073490)

in view of Oradovich (US 6,982,635). Claims 36-38 were rejected under 35 U.S.C. § 103

as being unpatentable over Shah et al (US 2004/0073490) in view of Vogel et al (US

2004/0162748). Claims 46 and 47 were rejected under 35 U.S.C. § 103 as being

10 unpatentable over Shah et al (US 2004/0073490) in view of Newsire (Youngology

Introduces Object Technology at Internet Showcase Preview).

Claims 8-11, 14-22, and 24-48 are cancelled. It is noted that the cited reference of Shah

does not pertain to the new independent claims 52, 65, and 66, since Shah has nothing to

15 do with systems for distributed monitoring and estimation of traffic flow by using

information reported by a plurality of prosumers with wireless devices. For at least these

reasons, Applicant submits that claims 52-71 are patentable over the cited references.

CONCLUSION

The Applicant hereby submits a bona fide attempt to address the rejections in the Office Action and argues why the present claims are different from the art of record. The
5 Examiner is sincerely invited to telephone the undersigned at 650-424-0100 for clarification or any suggested actions such as an Examiner's Amendment to accelerate prosecution and forward the present application to allowance. Allowance of the claims now in the application is kindly requested.

Respectfully submitted,

/ Trieu T. Mai /

Trieu T. Mai
Reg. No. 61,354
Lumen Patent Firm, Inc.
2345 Yale Street, Second Floor
Palo Alto, CA 94306
650-424-0100 (phone)